

1 IGNACIA S. MORENO
2 Assistant Attorney General
3 Environment & Natural Resources Division

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ADAM J. KATZ (DC BAR NO. 502776)
Trial Attorney
United States Department of Justice
Environmental Defense Section
P.O. Box 23986
Washington, DC 20026-3986
Telephone: (202) 514-2689
Facsimile: (202) 514-8865
Email: adam.katz@usdoj.gov

Attorney for Defendants

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

v.

LISA JACKSON, in her official capacity as
Administrator of the United States
Environmental Protection Agency, and
ENVIRONMENTAL PROTECTION
AGENCY,

Defendants.

Case No. 3:10-cv-01846-MMC

ORDER APPROVING
**SECOND STIPULATION AND ORDER
TO EXTEND ANSWER DEADLINE
AND TO CONTINUE INITIAL
DISCOVERY, ADR DEADLINES,
AND CASE MANAGEMENT
CONFERENCE**

SECOND STIPULATION AND ORDER TO EXTEND ANSWER DEADLINE
AND TO CONTINUE INITIAL DISCOVERY, ADR DEADLINES,
AND CASE MANAGEMENT CONFERENCE

Case No. 3:10-cv-01846-MMC

1 WHEREAS, on April 29, 2010, Plaintiff Center for Biological Diversity filed a complaint
2 in the above-captioned matter against the United States Environmental Protection Agency and its
3 Administrator, Lisa Jackson (collectively, “EPA”), alleging that EPA has failed to undertake
4 certain nondiscretionary duties under the Clean Air Act, 42 U.S.C. §§ 7401-7671q;

5 WHEREAS, on September 23, 2010, Plaintiff and EPA tentatively agreed to the terms of
6 a settlement that will, if approved and entered, fully resolve Plaintiff’s claims;

7 WHEREAS, any final settlement of this case must be approved by authorized officials at
8 the United States Department of Justice and EPA, a process that can take several weeks to
9 complete;

10 WHEREAS, at least 30 days before any final settlement of this matter can be entered,
11 EPA must provide notice of such settlement in the *Federal Register* and an opportunity for
12 public comment pursuant to Section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

13 WHEREAS, on June 24, 2010, this Court entered a stipulated order extending the
14 deadline for EPA to respond to Plaintiff’s complaint, and continuing initial discovery, ADR
15 deadlines, and the initial case management conference;

16 WHEREAS, the parties believe that the requested extensions and continuances below
17 will not adversely affect the schedule of this case;

18 NOW THEREFORE the parties, pursuant to Local Rules 6-2 and 7-12, Plaintiff and EPA
19 hereby stipulate to the following:

20 1. EPA’s time for responding to Plaintiff’s complaint is extended by 120 days, to
21 January 25, 2011;

22 2. The parties’ deadline to meet and confer regarding initial disclosures, early settlement,
23 ADR process selection, and discovery planning is continued to March 29, 2011;

24 SECOND STIPULATION AND ORDER TO EXTEND ANSWER DEADLINE
25 AND TO CONTINUE INITIAL DISCOVERY, ADR DEADLINES,
26 AND CASE MANAGEMENT CONFERENCE

27
28 Case No. 3:10-cv-01846-MMC

1 3. The parties' deadline to file initial disclosures, a Case Management Statement, and a
2 Rule 26(f) Report is continued until March 29, 2011;

3 4. The initial case management conference is continued until April 4, 2011, or a date
4 thereafter set by the Court.

7 **COUNSEL FOR DEFENDANTS:**

8 Dated: September 23, 2010

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

11 *s/ Adam J. Katz* _____
12 ADAM J. KATZ
13 Trial Attorney
14 United States Department of Justice
15 Environmental Defense Section
16 P.O. Box 23986-3986
17 Washington, DC 20026-3986
18 Telephone: (202) 514-2689
19 Facsimile: (202) 514-8865
20 Email: adam.katz@usdoj.gov

18 **COUNSEL FOR PLAINTIFF:**

19 Dated: September 23, 2010

20 *s/ Robert Ukeiley (with permission)*
21 ROBERT UKEILEY (*pro hac vice*)
22 Law Office of Robert Ukeiley
23 435R Chestnut Street, Suite 1
24 Berea, KY 40403
25 Telephone: (859) 986-5402
26 Facsimile: (866) 618-1017
27 Email: rukeiley@igc.org

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Case Management Conference
26 is CONTINUED to April 8, 2011.

27 Dated: September 24, 2010


28 HON. MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE

SECOND STIPULATION AND ORDER TO EXTEND ANSWER DEADLINE
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